

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DONALD JOSHUA SMITH,

Plaintiff,

v.

OMONIYI AKINTOLA,

Defendant.

No. 2:21-cv-0420-JAM-EFB P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 8, 2021, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has filed objections to the findings and recommendations and defendant has filed a response thereto.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations filed September 8, 2021, are adopted in full; and

3 2. Defendant's motion to dismiss (ECF No. 19) is granted in that plaintiff's claims for  
4 money damages against defendant in his official capacity are dismissed as barred by the 11th  
5 Amendment.

6 SO ORDERED.

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9 Dated: November 15, 2021

/s/ John A. Mendez

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10 THE HONORABLE JOHN A. MENDEZ  
11 UNITED STATES DISTRICT COURT JUDGE  
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